



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

James S. Hsue
Parsons Hsue & de Runtz LLP
Suite 1800
655 Montgomery Street
San Francisco, CA 94111

COPY MAILED

FEB 16 2005

OFFICE OF PETITIONS

In re Application of :
Nikoonahad, et al. : DECISION ON PETITION
Application No. 10/666,120 :
Filed: September 19, 2003 :
Docket No.: TNCR.001US4 :

This is a decision on the petition under 37 C.F.R. § 1.137(b),
filed January 7, 2005, to revive the above-identified
application.

The petition is **GRANTED**.

This application became abandoned June 23, 2004 for failure to
timely reply to the non-final Office action mailed March 22,
2004. The Notice set a three (3) month shortened statutory
period of time for reply. No extensions of time in accordance
with 37 C.F.R. § 1.136 were timely requested. Notice of
Abandonment was mailed December 9, 2004.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be
accompanied by: (1) the required reply to the outstanding Office
action or notice, unless previously filed; (2) the petition fee
as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the
entire delay in filing the required reply from the due date for
the reply until the filing of a grantable petition pursuant to
37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal
disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required
pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance
with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the
failure to timely submit a proper reply to the non-final Office
action is accepted as having been unintentionally delayed.

The above-identified application is being revived solely for
purposes of continuity. As continuity has been established by
this decision reviving the application, the application is again

abandoned in favor of continuation application No. 10/948,514
filed September 22, 2004.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Therefore, no extension of time fee is due in connection with this petition. The extension of time fee submitted herewith is thus unnecessary. Petitioner may request a refund of the \$1,020.00 extension of time fee submitted January 7, 2005 by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', with a stylized flourish at the end.

Alesia M. Brown
Petitions Attorney
Office of Petitions